

## § 240.36a1-1

calculating its Section 31 fees based on the trade date of its covered sales shall not include on its September 2003 Form R31 data for any covered sale having a trade date before September 1, 2003.

(f) This temporary section shall expire on January 1, 2005.

[69 FR 41080, July 7, 2004]

## § 240.36a1-1 Exemption from Section 7 for OTC derivatives dealers.

PRELIMINARY NOTE: OTC derivatives dealers are a special class of broker-dealers that are exempt from certain broker-dealer requirements, including membership in a self-regulatory organization (§ 240.15b9-2), regular broker-dealer margin rules (§ 240.36a1-1), and application of the Securities Investor Protection Act of 1970 (§ 240.36a1-2). OTC derivative dealers are subject to special requirements, including limitations on the scope of their securities activities (§ 240.15a-1), specified internal risk management control systems (§ 240.15c3-4), recordkeeping obligations (§ 240.17a-3(a)(10)), and reporting responsibilities (§ 240.17a-12). They are also subject to alternative net capital treatment (§ 240.15c3-1(a)(5)).

(a) Except as otherwise provided in paragraph (b) of this section, transactions involving the extension of credit by an OTC derivatives dealer shall be exempt from the provisions of section 7(c) of the Act (15 U.S.C. 78g(c)), provided that the OTC derivatives dealer complies with Section 7(d) of the Act (15 U.S.C. 78g(d)).

(b) The exemption provided under paragraph (a) of this section shall not apply to extensions of credit made di-

## 17 CFR Ch. II (4-1-11 Edition)

rectly by a registered broker or dealer (other than an OTC derivatives dealer) in connection with transactions in eligible OTC derivative instruments for which an OTC derivatives dealer acts as counterparty.

[63 FR 59404, Nov. 3, 1998]

## § 240.36a1-2 Exemption from SIPA for OTC derivatives dealers.

PRELIMINARY NOTE: OTC derivatives dealers are a special class of broker-dealers that are exempt from certain broker-dealer requirements, including membership in a self-regulatory organization (§ 240.15b9-2), regular broker-dealer margin rules (§ 240.36a1-1), and application of the Securities Investor Protection Act of 1970 (§ 240.36a1-2). OTC derivative dealers are subject to special requirements, including limitations on the scope of their securities activities (§ 240.15a-1), specified internal risk management control systems (§ 240.15c3-4), recordkeeping obligations (§ 240.17a-3(a)(10)), and reporting responsibilities (§ 240.17a-12). They are also subject to alternative net capital treatment (§ 240.15c3-1(a)(5)).

OTC derivatives dealers, as defined in § 240.3b-12, shall be exempt from the provisions of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa through 78lll).

[63 FR 59404, Nov. 3, 1998]

## Subpart B—Rules and Regulations Under the Securities Investor Protection Act of 1970 [Reserved]

## PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

| Subject                                                                                                                                                                                                   | Release No. | Date          | Fed. Reg. Vol. and Page |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------|-------------------------|
| Excerpt from letter relating to section 16(a) .....                                                                                                                                                       | 21          | Oct. 1, 1934  | 11 FR 10968.            |
| Statement by Commission to correct the erroneous impression created by certain commercial institutions with respect to the necessity for filing reports with the Commission.                              | 68          | July 22, 1934 | Do.                     |
| Letter of General Counsel relating to section 16(a) .....                                                                                                                                                 | 116         | Mar. 9, 1935  | Do.                     |
| Opinion of General Counsel relating to section 16(a) .....                                                                                                                                                | 175         | Apr. 16, 1935 | Do.                     |
| Excerpt from a general letter relating to section 16(a) .....                                                                                                                                             | 227         | May 14, 1935  | Do.                     |
| Opinion of the Director of the Division of Forms and Regulations discussing the definition of "parent" as used in various forms under the Securities Act of 1933 and the Securities Exchange Act of 1934. | 1131        | Apr. 7, 1937  | Do.                     |
| Statement by Commission with respect to the purpose of the disclosure requirements of section 14 and the rules adopted thereunder.                                                                        | 1350        | Aug. 13, 1937 | 11 FR 10969.            |
| Opinion of Director of the Trading and Exchange Division relating to Rules X-15C1-6 (17 CFR 240.15c1-6) and X-10B-2 (17 CFR 240.10b-2).                                                                   | 1411        | Oct. 7, 1937  | Do.                     |